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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/092,261
Filing Date: March 07, 2002
Appellant(s): MAKIPAA ET AL.

Allen E. Hoover (Reg. No.: 37,354)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8-11-2008 appealing from the Office action mailed 12-21-2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 37 appears on page 20 of the Appendix to the appellant's brief. The minor errors are as follows: A portion of another claim is improperly copied after the period concluding claim 37, then claim 37 is repeated. Claim 37 is the last claim remaining and everything after the concluding period should be ignored.

(8) Evidence Relied Upon

2003/0083109

KING ET AL.

5-2003

"Dremples". Ryan M. Geiss.

"<http://web.archive.org/web/20010411030126/http://www.geisswerks.com/drempels/>". Web page captured April 11, 2001. 10 pages.

"Serandom Screensaver Manager" Seraline P/L.

"<http://web.archive.org/web/20001202004800/http://www.weraline.com/serandom.htm>". Web page captured December 2, 2000. 3 pages.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 8-11, 17, 18, 20-28, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Serandom Screensaver Manager", hereinafter Serandom, "Drempels", and King et al., Pub. No.: US 2003/0083109, hereinafter King.

7. Referring to claim 8, the prior art of record provides numerous details regarding constructing, installing, and utilizing screensavers. It should first go without saying that screensavers are notoriously well known in the state of the art and are always

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implemented in an apparatus comprising at least a storage medium and a processor. A screensaver program, for purposes of this rejection, is a program that manages one or more screensavers stored in the storage medium. It should further be noted that a screensaver is merely an application that is adapted to conform to certain screensaver standards determined by the operating system developers. The “Serandom Screensaver Manager” (hereinafter “Serandom”) provides an example of one particular screensaver program. Serandom teaches on page 1 that screensavers can be organized via the screensaver program into different collections or carousels. The screenshot on page 2 shows how screensaver handles can be added to, removed from, or rearranged within a carousel. Based on a desired configuration, one or more screensavers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor. Serandom fails to specifically disclose a screensaver that is capable of being executed in a less than fully functional screensaver mode and a fully functional application mode. The “Drempels” screensaver, however, provides a difference in functionality between two modes that Serandom fails to teach. Drempels discloses on page 1 an application that operates in either a desktop mode or a screensaver mode. In the desktop mode, the application has greater functionality and includes features such as a user-customizable overlay filter color and a suspend feature. In the screensaver mode, the application is less than fully functional when run as a screensaver using drempels.scr (a program that is run by a screensaver manager program, not itself) and operates just like a typical screensaver would, initiating after a specified amount of time and terminating upon user action on

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either the mouse or keypad. Furthermore, because the Drempels screensaver application is designed to operate like any other screensaver, it can be easily implemented with the Serandom Screensaver Manager. Upon doing so, the Serandom Screensaver Manager would be started after a period of inactivity, the Drempels screensaver would be executed in a screensaver mode, and images like those shown on pages 2 and 3 of the Drempels reference would be presented on the display screen. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Drempels screensaver in conjunction with the Serandom Screensaver Manager. Doing so would have been advantageous because the Serandom Screensaver Manager allows users to view a plurality of screensavers randomly or in a predetermined sequence instead of just a single screensaver. Serandom reference discloses in the screenshot on page 2 a plurality of rules for selecting application handles. The handles and corresponding rules are inherently stored in the storage medium. Serandom fails to specifically disclose a database, but the examiner submits that it is notoriously well known in the state of the art that databases are commonly used in processing systems for storing organized sets of data. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the rules and application handles in a database because databases provide efficient storage and retrieval means for organized sets of data. King supplements this teaching in paragraphs 29 and 30 which teach databases for storing picture files (handles), content specific information associated with the picture files, user profiles,

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and other information useful or necessary for providing content relevant information to and end user. Serandom discloses a “Settings” option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screensaver mode according to these parameters. Said parameters could inherently be stored in the database discussed above.

Serandom and Drempels, however, don’t explicitly teach a screen saver run by a computer application that has two modes where one mode has all the features and the other has less than all features, where the modes are executed via different handles, with different execution parameters. King teaches a system for providing a screen saver with added functionality (see paragraphs 34 and 35) selectable via a plurality of screen savers arranged in a carousel (see paragraph 40 and figure 7), similar to that of Serandom and Drempels, but further teaches the screen saver being run from an application used to selectively display pictures, where the application can be run in plan view mode (application mode), displaying all picture/icons for user selection and modification simultaneously, including an additional toolbar (carousel) for selecting or implementing certain features of the picture file in the window, or in screen saver view mode (activateable by a lack of user activity), where pictures for select picture icons (as chosen in figure 7) are merely displayed, not displaying certain pictures nor displaying an additional toolbar for selecting or implementing certain features of the picture (INFO) (see paragraphs 34, 35, 40, and 41). King further teaches, in paragraph 35, the application working with a plurality of different applications intertwined with the screensaver application.

As an example a user can select one or more of a plurality of handles via the toolbar (carousel) of figure 7, where each of [602]-[610] is a handle for displaying a picture file containing a plurality of pictures, each handle having associated parameters for execution (picture files / information selection / and screen saver selection) see paragraphs 40 and 41 and figures 5 and 7). A user has the ability to check the check box adjacent to any one of the picture files (LOGO) [602]-[610], either under INFO [702]-[710] or under SAVER [712]-[720], so that when the picture file (handle) [602]-[610], is selected for display the images are display according to the associated execution parameters. In Full Feature mode both boxes would be checked (or at least INFO for display in application mode) and the picture files would be displayed in succession with corresponding information displayed, and in Less than Full Feature mode only the screen saver box would be checked causing the screen saver to be displayed without corresponding information (see paragraph 54 and figure 16). The information (execution parameter) that can be displayed with the images is described in column 35 and figure 7, as execution parameter information (weather, news, and ad feeds) selectively assigned to handles via adjacent check boxes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the screen saver display of Serandom and Drempels to include the screen saver controlled by the application program offering limited functionality in screen saver mode, as did King. One would have been motivated to make such a combination because this allows for application control of content of the screen saver display, giving the application user customization to their own preferences.

11. Referring to claim 5, the Serandom reference discloses in the screenshot on page 2 that the rules are definable by a user of the apparatus.

12. Referring to claim 6, the Serandom reference teaches in the screenshot on page 2 that some rules are selected via radio buttons. One radio button in a set must always be selected, and when a user first accesses the rules, certain options will already be selected. Serandom thus teaches that the rules comprise default rules.

15. Referring to claims 9 and 10, Serandom and Drempels fail to disclose that the apparatus is in communication with a network and it displays current information generated by the application operating in the screensaver mode based on data received from the network. Serandom and Drempels also fail to disclose that the images are continually updated in response to data received from the network. King further teaches, in paragraph 35, that information received over a network whether, websites, etc is provided for a user during display screen saver mode. It would have been obvious to one of ordinary skill in the art, having the teachings of Serandom, Drempels, and King before him at the time the invention was made to the screen saver display of Serandom and Drempels to include the networked information, as did King. One would have been motivated to make such a combination because this would provide more functionality in the screen saver mode, providing the user with dynamically updated information without exiting the screen saver.

16. Referring to claim 11, Serandom discloses in the screenshot on page 2 means for executing additional applications like Drempels in a screensaver mode. The

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processor executes a plurality of applications in an order determined by the user using various rules.

20. Referring to claim 17, the Serandom reference discloses in the screenshot on page 2 that the rules are definable by a user of the apparatus.

21. Referring to claim 18, the Serandom reference teaches in the screenshot on page 2 that some rules are selected via radio buttons. One radio button in a set must always be selected, and when a user first accesses the rules, certain options will already be selected. Serandom thus teaches that the rules comprise default rules.

23. Referring to claim 20, King further teaches, in paragraph 35, the application working with a plurality of different applications intertwined with the screensaver application.

24. Referring to claim 21, Serandom and Drempels fail to disclose that the apparatus is in communication with a network and it displays current information generated by the application operating in the screensaver mode based on data received from the network. Serandom and Drempels also fail to disclose that the images are continually updated in response to data received from the network. King further teaches, in paragraph 35, that information received over a network whether, websites, etc is provided for a user during display screen saver mode. It would have been obvious to one of ordinary skill in the art, having the teachings of Serandom, Drempels, and King before him at the time the invention was made to the screen saver display of Serandom and Drempels to include the networked information, as did King. One would have been motivated to make such a combination because this would provide more functionality in

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the screen saver mode, providing the user with dynamically updated information without exiting the screen saver.

25. Referring to claim 22, King teaches, in paragraph 35, that the parameters of the network application are a website, known in the art to be accessible via a particular URL.

26. Referring to claim 23, Serandom, Drempeles, and King fail to specifically disclose that the application is written in a JAVA programming language. The examiner submits that it is notoriously well known in the state of the art to program applications using a JAVA programming language. JAVA provides a well organized, object-oriented, and well-known language for building applications. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have written the application in JAVA for the reasons discussed above.

27. Referring to claim 24, as discussed above a screensaver program is a program that manages one or more screensavers stored in a storage medium, and a screensaver is merely an application that is adapted to conform to certain screensaver standards determined by the operating system developers. Serandom teaches on page 1 that screensavers can be organized via the screensaver program into different collections or carousels. The screenshot on page 2 shows how screensaver handles can be added to, removed from, or rearranged within a carousel. Based on a desired configuration, one or more screensavers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor.

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Serandom fails to specifically disclose a screensaver that is capable of being executed in a less than fully functional screensaver mode and a fully functional application mode. The "Drempels" screensaver, however, provides a difference in functionality between two modes that Serandom fails to teach. Drempels discloses on page 1 an application that operates in either a desktop mode or a screensaver mode. In the desktop mode, the application has greater functionality and includes features such as a user-customizable overlay filter color and a suspend feature. In the screensaver mode, the application is less than fully functional when run as a screensaver using drempels.scr (a program that is run by a screensaver manager program, not itself) and operates just like a typical screensaver would, initiating after a specified amount of time and terminating upon user action on either the mouse or keypad. Furthermore, because the Drempels screensaver application is designed to operate like any other screensaver, it can be easily implemented with the Serandom Screensaver Manager. Upon doing so, the Serandom Screensaver Manager would be started after a period of inactivity, the Drempels screensaver would be executed in a screensaver mode, and images like those shown on pages 2 and 3 of the Drempels reference would be presented on the display screen. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Drempels screensaver in conjunction with the Serandom Screensaver Manager. Doing so would have been advantageous because the Serandom Screensaver Manager allows users to view a plurality of screensavers randomly or in a predetermined sequence instead of just a single screensaver. Serandom fails to specifically disclose a database, but the examiner

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submits that it is notoriously well known in the state of the art that databases are commonly used in processing systems for storing organized sets of data. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the rules and application handles in a database because databases provide efficient storage and retrieval means for organized sets of data. King supplements this teaching in paragraphs 29 and 30 which teach databases for storing picture files (handles), content specific information associated with the picture files, user profiles, and other information useful or necessary for providing content relevant information to and end user. Serandom discloses a "Settings" option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screensaver mode according to these parameters. Said parameters could inherently be stored in the database discussed above.

Serandom and Drempels, however, don't explicitly teach a screen saver run by a computer application that has two modes where one mode has all the features and the other has less than all features, where the modes are executed via different handles with different execution parameters. King teaches a system for providing a screen saver with added functionality (see paragraphs 34 and 35) selectable via a plurality of screen savers arranged in a carousel (see paragraph 40 and figure 7), similar to that of Serandom and Drempels, but further teaches the screen saver being run from an application used to selectively display pictures, where the application can be run in plan view mode (application mode), displaying all picture/icons for user selection and

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modification simultaneously, including an additional toolbar for selecting or implementing certain features of the picture file in the window, or in screen saver view mode (activateable by a lack of user activity), where pictures for select picture icons (as chosen in figure 7) are merely displayed, not displaying certain pictures nor displaying an additional toolbar for selecting or implementing certain features of the picture (INFO) (see paragraphs 34, 35, 40, and 41). King further teaches, in paragraph 35, the application working with a plurality of different applications intertwined with the screensaver application.

As an example a user can select one or more of a plurality of handles via the toolbar (carousel) of figure 7, where each of [602]-[610] is a handle for displaying a picture file containing a plurality of pictures, each handle having associated parameters for execution (picture files / information selection / and screen saver selection) see paragraphs 40 and 41 and figures 5 and 7). A user has the ability to check the check box adjacent to any one of the picture files (LOGO) [602]-[610], either under INFO [702]-[710] or under SAVER [712]-[720], so that when the picture file (handle) [602]-[610], is selected for display the images are display according to the associated execution parameters. In Full Feature mode both boxes would be checked (or at least INFO for display in application mode) and the picture files would be displayed in succession with corresponding information displayed, and in Less than Full Feature mode only the screen saver box would be checked causing the screen saver to be displayed without corresponding information (see paragraph 54 and figure 16). The information (execution parameter) that can be displayed with the images is described in

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column 35 and figure 7, as execution parameter information (weather, news, and ad feeds) selectively assigned to handles via adjacent check boxes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the screen saver display of Serandom and Drempels to include the screen saver controlled by the application program offering limited functionality in screen saver mode, as did King. One would have been motivated to make such a combination because this allows for application control of content of the screen saver display, giving the application user customization to their own preferences.

28. Referring to claim 25, the Drempels application must inherently be installed on the display device and the user can then select an option via the screensaver program to operate the application in the screensaver mode.

29. Referring to claim 26, the Drempels application can inherently be pre-installed on the device just like any other application. Drempels explains on page 1 that it can be run in a full application mode on the display device. In combination with the Serandom screensaver program, the user would be able to select an option to install the screensaver mode via the interface on page 2 of the Serandom reference.

30. Referring to claim 27, Serandom discloses in the screenshot on page 2 an interface for scheduling an order and a duration for a plurality of screensavers. During screensaver operation, the display device is monitored for a timeout signal that a particular application has exceeded its allotted duration. Subsequently, the screensaver program will select another application to run in screensaver mode.

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31. Referring to claim 28, Serandom and Drempels disclose the method of claim 24 as discussed above but fail to disclose determining whether an executed application is an interactive application, and if the executed application is an interactive application, terminating the screensaver program and executing the interactive application in full application mode. King teaches a system for providing a screen saver with added functionality (see paragraphs 34 and 35), similar to that of Serandom and Drempels, but further teaches that the screen saver is run from an application used to selectively display pictures, where the application can be run in plan view mode, displaying all picture/icons for user selection and modification simultaneously, or in screen saver view mode, where pictures/icons for select picture icons are sequenced on the display, not displaying certain pictures/icons, where screen saver mode can be entered via either user selection of a screen saver option, or through automatic entry, and exited by user selection of a picture/icon for view an customization (see paragraphs 34, 35, 40, and 41). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of King with those of Serandom and Drempels. Doing so would have been advantageous because users would have benefited from having quick access to the full application features that were not accessible in the screensaver mode.

36. Referring to claims 35-37, Drempels explains on page 1 that it can be run in a full application mode on the display device. In combination with the Serandom screensaver program, the user would be able to select an option to install the screensaver mode via

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the interface on page 2 of the Serandom reference and thereby add an application handle to the carousel.

(10) Response to Argument

Claims 5, 6, 8-11, 17, 18, 20-28, and 35-37:

With respect to the arguments directed at the independent claims including Claims 5, 6, 8-11, 17, 18, 20-28, and 35-37 the Appellant's arguments are focused on the limitations regarding the existence of "another handle comprising different execution parameters". More specifically, as stated from representative Claim 8, the limitation argued is:

“

wherein the database further contains application execution parameters associated with the handle, whereon the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application;

wherein the application additionally has another handle comprising different execution parameters.

”

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The claim, as interpreted by the examiner, pertains to a system in which a plurality of elements (handles) are displayed for

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selection each providing a different execution (different execution parameters). As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997).”

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the Serandom, Drempeles, and King references are within the scope of these limitations.

It should first go without saying that screensavers are notoriously well known in the state of the art and are always implemented in an apparatus comprising at least a storage medium and a processor. A screensaver program, for purposes of this rejection, is a program that manages one or more screensavers stored in the storage medium. It should further be noted that a screensaver is merely an application that is adapted to conform to certain screensaver standards determined by the operating system developers. The “Serandom Screensaver Manager” (hereinafter “Serandom”) provides an example of one particular screensaver program. Serandom teaches on page 1 that screensavers can be organized via the screensaver program into different collections or carousels. The screenshot on page 2 shows how screensaver handles can be added to, removed from, or rearranged within a carousel. Based on a desired

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configuration, one or more screensavers are executed to present images on the display screen after a period of inactivity that is inherently monitored by the processor.

Serandom fails to specifically disclose a screensaver that is capable of being executed in a less than fully functional screensaver mode and a fully functional application mode.

The “Drempels” screensaver, however, provides a difference in functionality between two modes that Serandom fails to teach. Drempels discloses on page 1 an application that operates in either a desktop mode or a screensaver mode. In the desktop mode, the application has greater functionality and includes features such as a user-customizable overlay filter color and a suspend feature. In the screensaver mode, the application is less than fully functional when run as a screensaver using drempels.scr (a program that is run by a screensaver manager program, not itself) and operates just like a typical screensaver would, initiating after a specified amount of time and terminating upon user action on either the mouse or keypad. Furthermore, because the Drempels screensaver application is designed to operate like any other screensaver, it can be easily implemented with the Serandom Screensaver Manager. Upon doing so, the Serandom Screensaver Manager would be started after a period of inactivity, the Drempels screensaver would be executed in a screensaver mode, and images like those shown on pages 2 and 3 of the Drempels reference would be presented on the display screen. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Drempels screensaver in conjunction with the Serandom Screensaver Manager. Doing so would have been advantageous because the Serandom Screensaver Manager allows users to

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view a plurality of screensavers randomly or in a predetermined sequence instead of just a single screensaver. Serandom reference discloses in the screenshot on page 2 a plurality of rules for selecting application handles. The handles and corresponding rules are inherently stored in the storage medium. Serandom fails to specifically disclose a database, but the examiner submits that it is notoriously well known in the state of the art that databases are commonly used in processing systems for storing organized sets of data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the rules and application handles in a database because databases provide efficient storage and retrieval means for organized sets of data. King supplements this teaching in paragraphs 29 and 30 which teach databases for storing picture files (handles), content specific information associated with the picture files, user profiles, and other information useful or necessary for providing content relevant information to an end user. Serandom discloses a "Settings" option in the screenshot on page 2 for accessing execution parameters for each application. The applications are then executed in a screensaver mode according to these parameters. Said parameters could inherently be stored in the database discussed above.

Serandom and Drempels, however, don't explicitly teach a screen saver run by a computer application that has two modes where one mode has all the features and the other has less than all features, where the modes are executed via different handles with different execution parameters. King teaches a system for providing a screen saver with added functionality (see paragraphs 34 and 35) selectable via a plurality of screen savers arranged in a carousel (see paragraph 40 and figure 7), similar to that of

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Serandom and Drempels, but further teaches the screen saver being run from an application used to selectively display pictures, where the application can be run in plan view mode (application mode), displaying all picture/icons for user selection and modification simultaneously, including an additional toolbar for selecting or implementing certain features of the picture file in the window, or in screen saver view mode (activateable by a lack of user activity), where pictures for select picture icons (as chosen in figure 7) are merely displayed, not displaying certain pictures nor displaying an additional toolbar for selecting or implementing certain features of the picture (INFO) (see paragraphs 34, 35, 40, and 41). King further teaches, in paragraph 35, the application working with a plurality of different applications intertwined with the screensaver application.

As an example a user can select one or more of a plurality of handles via the toolbar (carousel) of figure 7, where each of [602]-[610] is a handle for displaying a picture file containing a plurality of pictures, each handle having associated parameters for execution (picture files / information selection / and screen saver selection). A user has the ability to check the check box adjacent to any one of the picture files (LOGO) [602]-[610], either under INFO [702]-[710] or under SAVER [712]-[720], so that when the picture file (handle) [602]-[610], is selected for display the images are display according to the associated execution parameters. In Full Feature mode both boxes would be checked (or at least INFO for display in application mode) and the picture files would be displayed in succession with corresponding information displayed, and in Less than Full Feature mode only the screen saver box would be checked causing the screen

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saver to be displayed without corresponding information. The information (execution parameter) that can be displayed with the images is described in column 35 and figure 7, as execution parameter information (weather, news, and ad feeds) selectively assigned to handles via adjacent check boxes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the screen saver display of Serandom and Drempels to include the screen saver controlled by the application program offering limited functionality in screen saver mode, as did King. One would have been motivated to make such a combination because this allows for application control of content of the screen saver display, giving the application user customization to their own preferences

The examiner will now address the individual arguments and statements made by Appellant.

From page 10 of the Appeal Brief, from the fifth paragraph, the Appellant argues that Claim 8 further specifies that the carousel includes a database that contains execution parameters associated with the handle, wherein the application is executed in a screensaver mode according to the parameters associated with the handle selected for executing the application and when the application additionally has another handle that comprises different execution

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parameters. The Examiner contends that this feature of claim 8 is found in or suggested by the cited art, but the Examiner is mistaken..

The Examiner respectfully contends that King teaches handles (picture files) selectable via a plurality of screen savers arranged in a carousel (see paragraph 40 and figure 7), where the handles are stored in a database (see paragraphs 29 and 30). Where each of [602]-[610] is a handle for displaying a picture file containing a plurality of pictures, each handle having associated parameters for execution (picture files / information selection / and screen saver selection) (see paragraphs 40 and 41 and figures 5 and 7). A user has the ability to check the check box adjacent to any one of the picture files (LOGO) [602]-[610], either under INFO [702]-[710] or under SAVER [712]-[720], so that when the picture file (handle) [602]-[610], is selected for display the images are display according to the associated execution parameters. In Full Feature mode both boxes would be checked (or at least INFO for display in application mode) and the picture files would be displayed in succession with corresponding information displayed, and in Less than Full Feature mode only the screen saver box would be checked causing the screen saver to be displayed without corresponding information (see paragraph 54 and figure 16). The information (execution parameter) that can be displayed with the images is described in column 35 and figure 7, as execution parameter information (weather, news, and ad feeds) selectively assigned to handles via adjacent check boxes.

From page 11 of the Appeal Brief, from the second paragraph, the Appellant argues that King does not teach “another handle comprising different execution parameters”.

The Examiner respectfully contends that each of the handles [602]-[610] has three specific groups of execution parameters that can differ handle to handle. First the individual pictures contained in the picture file differ between handles; Second, the user is able to apply a INFO parameter that displays corresponding news, weather, and advertising feeds with the image files; Third, the user is able to apply a Saver parameter that selectively displays the pictures as a screen saver (see paragraphs 35, 40, 41, and 54 along with figures 5 and 7).

From page 11 of the Appeal Brief, from the fifth paragraph, the Appellant argues that a “carousel is not found in the King reference but is purportedly found in the Serandom reference.

The Examiner respectfully contends that King teaches handles (picture files) selectable via a plurality of screen savers arranged in a carousel (see paragraph 40 and figure 7), similar to that screensavers organized via the screensaver program into different collections or carousels, of Serandom.

From page 12 of the Appeal Brief, from the second and third paragraph, the Appellant argues the previous response by the Examiner.

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The Examiner respectfully contends that icons reside on the desktop in the form of a carousel of selectable picture files that may be displayed in a screen saver format with or without information displayed along with, as selectable by the user (see paragraphs 30 and 54 and figure 7).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Dennis G. Bonshock/

Dennis Bonshock
Patent Examiner 2173
October 6, 2008

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